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April 21, 2020

**VIA ECF:**

Peter Sverd, Esq., of Counsel  
to Thomas B. Bacon, P.A.  
225 Broadway - Suite 613  
New York, NY 10007

Re: Owen Harty v. Roedel Partners of Mt. Kisco, LLC, et. al.  
Civil Action No.: 7:19-cv-09464-KMK

Dear Mr. Sverd:

As you know, the Plaintiff's claim is based on the allegation that websites for Defendants' hotel were non-ADA compliant. To support this claim, at the March 25, 2020 status conference with Magistrate Judge Smith, and in our subsequent correspondence, you agreed to provide dated screenshots which demonstrate this alleged lack of compliance with the ADA as of October 6, 2019 (the "Dated Screenshots").

The Dated Screenshots you provided in your April 13, 2020 email demonstrate that the websites at issue are ADA-compliant, listing accessibility features such as disabled parking, a wheelchair accessible path of travel, Braille or raised sign language, in-room accessibility, and a roll-in shower (the April 13, 2020 email, with screenshots, is annexed hereto).

In short, the Dated Screenshots defeat Plaintiff's claim. Plaintiff has no good-faith basis to maintain this action. Indeed, the Dated Screenshots expose that Plaintiff never had a good-faith basis for this action. Plaintiff's frivolous conduct has resulted in unnecessary legal expenses to Defendants for which he should be held liable. If Plaintiff does not withdraw his Complaint against Defendants, in its entirety and with prejudice, within twenty-one (21) days, Defendants will be constrained to make a motion pursuant to Fed. R. Civ. Pr. 11.



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Please be guided accordingly.

Very truly yours,

*/s/ Kempshall C. McAndrew*  
Kempshall C. McAndrew